

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

FELIPE JUSTO, Abel

Defendant.

Case No. 8:25-MJ-012 (GLF)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of January 21, 2025, in the county of Saint Lawrence in the Northern District of New York the defendant violated:

Code Section


8 U.S.C. § 1326(a), (b)(2)

Offense Description

The defendant, an alien, native and citizen of Mexico, has been denied admission, excluded, deported, or removed, or having departed the United States while an order of exclusion, deportation, or removal is outstanding, thereafter entered and was found in the United States without the Attorney General of the United States, or his successor, the Secretary of Homeland Security, having expressly consented to his reapplication for admission into the United States. That removal was subsequent to a conviction for the commission of an aggravated felony.

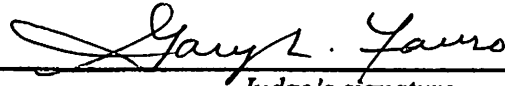
This criminal complaint is based on these facts:

☒ Continued on the attached sheet.


 Complainant's signature
 Janice Jones, U.S. Border Patrol Agent
 Printed name and title

Attested to by the Affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: JANUARY 23, 2025


 Judge's signature

City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge
 Printed name and title

Continuation Sheet, United States v. FELIPE JUSTO, Abel

On January 21, 2025, at approximately 10:15AM, an Ogdensburg Border Patrol Agents (BPA) was observing traffic on State Highway 11 in Dekalb, NY. Through my training and experience, I know that State Highway 11 is a frequently utilized route of egress from the international border with Canada. Smugglers often utilize State Highway 11 during the hours which coincide with increased local commuter vehicle traffic to blend in.

The Patrol Agent observed a Grey Honda Accord Hybrid 4 door sedan ("the Honda"), with four occupants pass his location. The Honda did not appear to have a license plate displayed and had, what appeared to be, a temporary registration paper plate in the back window. Through my training and experience, I know smugglers often utilize newly purchased vehicles to transport aliens to avoid the license plate being tracked by road cameras.

When the Honda passed by the static position where the agent was observing traffic, he observed one of the back seat passengers duck down to try to conceal himself. As the agent pulled out from the location to get behind the Honda, the driver was observed turning around, looking back as to check if the Border Patrol Service vehicle was going to follow.

Further up the road, another agent was observing traffic in a marked Border Patrol Service vehicle. As the Honda passed the second Border Patrol Agent, the agent observed only three subjects in the vehicle. The agent observed the vehicle hard braked and slowed down below the speed limit, which in the agent's experience is a common nervous reaction to the sight of law enforcement.

At approximately 10:23 AM, Border Patrol Agents pulled the Honda over on State Highway 11 in Richville, NY to conduct a vehicle stop. When the Honda pulled over and stopped, the fourth subject sat up in the back of the Honda.

Border Patrol Agents approached the Honda and encountered three passengers and a driver. One of the passengers identified himself as Abel FELIPE Justo and provided agents with a Mexican Consular card. Upon questioning, FELIPE agreed with another passenger that he crossed the border from Canada into the Northern District of New York by nodding his head.

FELIPE was transported to the Ogdensburg Border Patrol Station where he waived his Miranda rights. FELIPE admitted that he previously unlawfully entered the United States from Mexico, not Canada. Records checks revealed FELIPE is a citizen of Mexico and was administratively deported to Mexico on March 16, 2004, from Hidalgo, Texas Port of Entry. In 2003, FELIPE was convicted of Possession of Cocaine and Possession of Criminal Tools in violation of section 2925.11(A), which are aggravated felonies under 8 USC Section 1101(a)(43) and 2923.24(A) of the Ohio Penal Law. He also has two convictions in Michigan for operating a motor vehicle while intoxicated in 2021 and 2022.